SUPREME COURT, U. S.

Supreme Court of the United States

October Term, 1966

No. 1386

ADAM CLAYTON POWELL, JR., et al.,
Plaintiffs-Petitioners,

against

JOHN W. McCORMACK, et al.,
Defendants-Respondents.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

MOTION OF THE NEW YORK CITY CHAPTER OF NATIONAL LAWYERS GUILD FOR LEAVE TO FILE BRIEF AS *AMICUS CURIAE*

RALPH SHAPIRO,
DAVID M. FREEDMAN,
Attorneys for Amicus Curiae.

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CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Motion of the New York City Chapter of National Lawyers Guild for Leave to File Brief as *Amicus Curiae*

The New York City Chapter of National Lawyers Guild respectfully moves for leave to file a brief as *amicus curiae* in support of the petitioners herein. Petitioners have orally consented to the filing of an *amicus curiae* brief by the National Lawyers Guild, but in view of the emergency nature of this proceeding, no application therefor has been made to respondents.

Amicus, a national bar association, respectfully submits that the grave constitutional issues embodied in this action should be speedily resolved. *Amicus* is concerned that the delay inherent in the normal appeal process will adversely affect the fabric of national life and respect for our constitution and laws. While these issues are left undecided, central questions respecting our representative form of

government will remain clouded. As lawyers, we cannot view with equanimity a continuance of such an unsettled state of affairs.

Moreover, every day that the people of the 18th Congressional District of New York State are denied a voice in the national legislature they are irreparably cut off from the normal channels to gain the redress of their legitimate grievances and to participate in the legislative processes through which important and significant decisions affecting their social, economic and political life are determined.

Respectfully submitted,

RALPH SHAPIRO,
9 East 40 Street,
New York City, N. Y. 10016,

DAVID M. FREEDMAN,
299 Broadway,
New York City, N. Y. 10007,

Attorneys for Movants.

May, 1967.

Supreme Court of the United States

October Term, 1966

No.

ADAM CLAYTON POWELL, JR., et al.,
Plaintiffs-Petitioners,

against

JOHN W. McCORMACK, et al.,
Defendants-Respondents.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

BRIEF OF NEW YORK CITY CHAPTER OF NATIONAL LAWYERS GUILD AS *AMICUS CURIAE*

The New York City Chapter of National Lawyers Guild has been informed that petitioners have asked this Court, pursuant to Rule 20 of its Revised Rules, to grant a writ of certiorari to review the dismissal of their complaint by the United States District Court for the District of Columbia, an appeal from which is presently pending in the United States Court of Appeals for the District of Columbia, before judgment is given in the latter court. According to Rule 20, such a writ of certiorari will be granted only "upon a showing that the case is of such imperative public importance as to justify the deviation from normal appellate processes and to require immediate settlement in this Court."

Amicus is firmly convinced that this is such a case. The House of Representatives has excluded the elected representative of the 18th Congressional District of the State of

New York, of a voice in the national legislature. The longer this period of disfranchisement continues, the greater the irreparable injury to the inhabitants of the 18th Congressional District and to the Nation as a whole.

The very foundation stone of our representative democracy, is the right of the people to select their chosen representatives in the national legislature. The validity of the interruption of that right by any branch of government should be resolved at the earliest possible moment, both to lessen the irreparable injury caused by the deprivation and to settle in the only forum in which final resolution is possible this cardinal aspect of our constitutional scheme.

It is not alone the 18th Congressional District of New York State which is being injured, but the entire country. The Nation, as an entity, is entitled to the deliberations of all its duly elected legislators and not to just some of them. It is entitled to the insight and experience of the representative from the 18th Congressional District of New York, elected by the residents of that area in framing legislation. The enforced vacancy in such seat diminishes the ability of the House of Representatives to carry on its constitutional function.

This case cries out for immediate resolution. To leave unresolved for any appreciable length of time, the right of the citizens of the 18th Congressional District, or of any other district, to be represented by the nominee of their choice in the Congress of the United States is to threaten the very fabric of our constitutional democracy. *Amicus* would go so far as to state that no case in the past has demonstrated a more compelling need for the application of Rule 20 than the instant one.

Respectfully submitted,

RALPH SHAPIRO,
DAVID M. FREEDMAN,
Attorneys for Amicus Curiae.

May, 1967.